Washington Supreme Court rules Skamania County in violation of growth law

By Eric Florip
Columbian (Vancouver, Wash.)
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The Washington Supreme Court last week handed a victory to environmental advocates who argued that unzoned forestland in Skamania County is in violation of the Growth Management Act.

In an opinion issued Thursday, the court found that Skamania County is more than six years past its December 2008 deadline to review its natural resource land designations. The opinion largely sided with conservation groups Save Our Scenic Area and Friends of the Columbia Gorge, who had filed a lawsuit in 2012 challenging the county's inaction.

That's not the final word, however. The Supreme Court remanded the case back to Clark County Superior Court, where the lawsuit was originally filed.

"We still will continue to pursue this case and try to establish protections on forest lands for forest uses," said Nathan Baker, staff attorney for Friends of the Columbia Gorge.

Large swaths of forestland in Skamania County are currently "unmapped" and thus vulnerable to unregulated development, advocates say. The case centers around 15,000 acres of privately owned forestland referred to as "free-for-all" areas at one point in the court's opinion.

In 2007, Skamania County designated much of its private forestland as conservancy areas intended for the conservation and management of existing natural resources. At the same time, it declared a building moratorium on 15,000 acres of land as it considered zoning classifications there.

But the county continued extending the moratorium long after the 2008 review deadline came and went. In 2012, the county repealed the moratorium for all but 4,500 acres of the area. That's when Save Our Scenic Area and Friends of the Columbia Gorge filed the lawsuit. The entire moratorium eventually lapsed.

Shortly after the moratorium was repealed, the county approved plans for the Whistling Ridge Energy Project, a wind farm just outside the Gorge scenic area boundary near Underwood.

As part of its case, the county had argued that the plaintiffs' challenge was untimely and should have been filed years earlier – an argument the Supreme Court rejected. The

county effectively made the “unmapped” classification permanent in 2012 when it indicated its ordinances were no longer temporary, the court said.